

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF TEXAS U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION FILED

GEORGE HERNANDEZ, PRO SE,
TDCJ-CID No. 1284057,
Previous TDCJ-CID No. 1119878.

Plaintiff,

V.

TEXAS TECH UNIVERSITY HEALTH
SCIENCE CENTER,
TIMOTHY REVELL, IPOLITO UY,
and SUZZANNE PAUL,

Defendants.

2:09-CV-0140

CLERK, U.S. DISTRICT COURT

AUG - 6 2009

ORDER OF DISMISSAL

Plaintiff GEORGE HERNANDEZ, acting *pro se* and while a prisoner confined in the Texas Department of Criminal Justice, Institutional Division, filed suit pursuant to Title 42, United States Code, section 1983 complaining against the above-referenced defendants and was granted permission to proceed *in forma pauperis*.

On June 29, 2009, a Report and Recommendation was issued by the United States Magistrate Judge recommending dismissal of the instant cause without prejudice for want of jurisdiction and with prejudice as frivolous. It was the addition recommendation of the

Magistrate Judge that the District Court decline to exercise pendant jurisdiction over plaintiff's state law claims.

The period for objections has expired, and no further pleadings or correspondence have been received from plaintiff in this cause.

The Court has made an independent examination of the records in this case and has examined the Magistrate Judge's Report and Recommendation. The Court is of the opinion that the Report and Recommendation of the United States Magistrate Judge should be ADOPTED by the United States District Court.

This Court, therefore, does hereby ADOPT the Report and Recommendation of the United States Magistrate Judge in this case.

IT IS THEREFORE ORDERED that the Civil Rights Complaint by plaintiff GEORGE HERNANDEZ is DISMISSED WITHOUT PREJUDICE FOR WANT OF JURISDICTION AND WITH PREJUDICE AS FRIVOLOUS.

The Court declines to exercise pendant jurisdiction of any state law claims asserted; and they are DISMISSED WITHOUT PREJUDICE. *United Mine Workers v. Gibbs*, 383 U.S. 715, 86 S.Ct. 1130, 16 L.Ed.2d 218 (1966); *Corwin v. Marney, Orton Investments*, 843 F.2d 194, 200 (5th Cir.1988).

LET JUDGMENT BE ENTERED ACCORDINGLY.

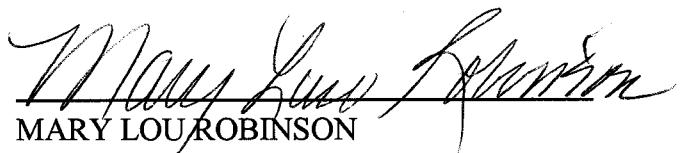
All pending motions are DENIED.

The Clerk shall send a copy of this order to plaintiff and to any attorney of record. The Clerk shall also mail copies of this order to TDCJ-Office of the General Counsel, P.O. Box

13084, Austin, TX 78711; and to the Pro Se Clerk at the U.S. District Court for the Eastern District of Texas, Tyler Division.

IT IS SO ORDERED.

SIGNED AND ENTERED this 18th day of August, 2009.


MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE